

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

DERRICK NESBITT,

Petitioner,

v.

TIMOTHY C. WARD, Commissioner,
Georgia Department of Corrections,

Respondent.

CIVIL ACTION NO.: 4:20-cv-148

ORDER

After a careful, *de novo* review of the entire record, the Court concurs with the Magistrate Judge's March 1, 2022 Report and Recommendation, (doc. 6). Petitioner did not file objections to the Report and Recommendation.

Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court and **DISMISSES** without prejudice Petitioner's 28 U.S.C. § 2254 Petition. Petitioner is also not entitled to a Certificate of Appealability, rendering moot any request for *in forma pauperis* status on appeal. The Court **DIRECTS** the Clerk of Court to **CLOSE** this case.

SO ORDERED, this 28th day of March, 2022.

A handwritten signature in blue ink, appearing to read 'R. Stan Baker', is written over a horizontal line.

R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA